

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY er D.C.

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, JACKSON

TRI-COUNTY CONVALESCENT)
HOME, INC., A TENNESSEE CORP.,)
AND SHILOH DRUG AND SPECIALTY)
STORE, INC., A TENNESSEE CORP.,)
Plaintiff,)
v.) NO.: 04-1137-T-An
HP/PROPERTIES, INC., A)
GEORGIA CORPORATION,)
HP/MANAGEMENT GROUP, INC.,)
A GEORGIA CORPORATION,)
DOUGLAS K. MITTLEIDER, and)
HP/THREE RIVERS, INC., A GEORGIA)
CORPORATION,)
Defendant.)

**ORDER GRANTING PARTIES' JOINT
MOTION TO AMEND RULE 16(b) SCHEDULING ORDER**

This matter came before the Court pursuant to the parties' Joint Motion to Amend Rule 16(b) Scheduling Order.

It appearing from the parties' Motion and supporting Memorandum of Law that the Motion is well taken, the Scheduling Order entered on November 5, 2004 is amended as follows:

INITIAL DISCLOSURES (RULE 26(a)(1)): Completed

JOINING PARTIES:

for Plaintiff: October 15, 2005
For Defendant: October 15, 2005

AMENDING PLEADINGS:

for Plaintiff: October 15, 2005
for Defendant: October 15, 2005

COMPLETING ALL DISCOVERY: January 13, 2006

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:** March 31, 2006

(b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**
(i) Plaintiff's Experts: January 6, 2006
(ii) Defendant's Experts: February 3, 2006
(iii) Supplementation under Rule 26(e): March 3, 2006

(c) **DEPOSITIONS:** May 5, 2006

FILING DISPOSITIVE MOTIONS: June 2, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

(a) for Plaintiff: July 28, 2006
(b) for Defendant: August 11, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 3-4 days and is **SET for JURY TRIAL on MONDAY, SEPTEMBER 11, 2006 at 9:30 A.M.** A joint pretrial order is due on **FRIDAY, SEPTEMBER 1, 2006**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FED. R. CIV. P. allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or

within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FED. R. CIV. P. 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

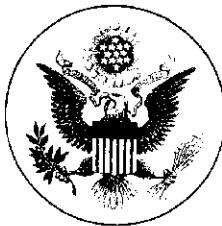
The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: September 13, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 47 in case 1:04-CV-01137 was distributed by fax, mail, or direct printing on September 16, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT